

**ROBERT C. JAROSH**  
**KARA L. ELLSBURY**  
Hirst Applegate LLP  
1720 Carey Avenue, Suite 400  
P.O. Box 1083  
Cheyenne, Wyoming 82003-1083  
307-632-0541  
rjarosh@hirstapplegate.com  
kellsbury@hirstapplegate.com

**BOBBEE J. MUSGRAVE** (*pro hac vice*)  
**STEVEN J. PERFREMENT** (*pro hac vice*)  
**CRAIG K. SCHUENEMANN** (*pro hac vice*)  
Bryan Cave HRO  
1700 Lincoln Street, Suite 4100  
Denver, Colorado 80203-4541  
303-861-7000  
bobbie.musgrave@bryancave.com  
steven.perfremment@bryancave.com  
craig.schuenemann@bryancave.com

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

NORTHWEST PIPELINE GP, a  
Delaware general partnership,

Plaintiff,

vs.

CHEVRON MINING, INC., a Missouri  
corporation, and WESTMORELAND  
KEMMERER, INC., a Delaware  
corporation,

Defendants.

Civil No. 12-CV-021F

**MOTION FOR PARTIAL SUMMARY JUDGMENT  
REGARDING PLAINTIFF'S CLAIMS ALLEGING STRICT  
LIABILITY**

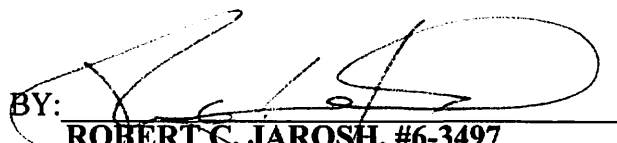
**HIRST APPLGATE, LLP**  
LAW OFFICES  
1720 CAREY AVENUE, SUITE 400  
P.O. BOX 1083  
CHEYENNE, WYOMING 82003-1083

Defendants Chevron Mining Inc. ("Chevron") and Westmoreland Kemmerer, Inc. ("Westmoreland") [hereinafter "Defendants"], pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move this Court for summary judgment as to all claims asserted in Northwest Pipeline GP's ("Northwest") Amended Complaint to the extent that they are based on a strict liability standard. Wyoming law does not support the application of strict liability under the circumstances of this case.

In support of their motion, Defendants rely upon the *Memorandum in Support of Defendants' Partial Motion for Summary Judgment Regarding Plaintiff's Claims Alleging Strict Liability* filed contemporaneously herewith, and all other pleadings and papers on file in this matter.

Dated: 1 February 2013.

CHEVRON MINING, INC. and  
WESTMORELAND KEMMERER, INC.,  
Defendants

BY:   
**ROBERT C. JAROSH, #6-3497**  
**KARA L. ELLSBURY, #7-4692**  
OF HIRST APPLGATE, LLP  
1720 Carey Avenue, Suite 400  
P. O. Box 1083  
Cheyenne, WY 82003-1083  
Phone: (307) 632-0541  
Fax: (307) 632-4999  
[rjarosh@hirstapplegate.com](mailto:rjarosh@hirstapplegate.com)  
[kellsbury@hirstapplegate.com](mailto:kellsbury@hirstapplegate.com)

and

BOBBEE J. MUSGRAVE (*pro hac vice*)  
STEVEN J. PERFREMENT (*pro hac vice*)  
CRAIG K. SCHUENEMANN (*pro hac vice*)  
OF BRYAN CAVE HRO  
1700 Lincoln Avenue, Suite 4100  
Denver, Colorado 80203  
303-861-7000

*Attorneys for Chevron Mining Inc. and  
Westmoreland Kemmerer, Inc.*

**CERTIFICATE OF SERVICE**

I certify the foregoing *Motion for Partial Summary Judgment Regarding Plaintiff's Claims Alleging Strict Liability* was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 1 February 2013, and that copies were served as follows:

Paul J. Hickey  
Hickey & Evans, LLP  
1800 Carey Avenue, Suite 700  
P. O. Box 467  
Cheyenne, WY 82003-0467  
*Attorneys for Plaintiff*

☐ U.S. MAIL  
☐ FED EX  
☐ FAX  
☐ HAND DELIVERED  
☐ EMAIL  
☒ E-FILE

Alan L. Sullivan/Jared C. Fields  
Snell & Wilmer, LLP  
15 West South Temple, Suite 1200  
Gateway Tower West  
Salt Lake City, UT 84101-1531  
*Attorneys for Plaintiff*

☐ U.S. MAIL  
☐ FED EX  
☐ FAX  
☐ HAND DELIVERED  
☐ EMAIL  
☒ E-FILE



OF HIRST APPLGATE, LLP  
*Attorneys for Defendants*